

REMARKS

Claims 1-15 are pending in the instant application. The Examiner is thanked for agreeing to an interview on April 2, 2008, and providing the actual reference number for the Kim reference cited in the office action.

On the merits, claims 1-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,263,100 to Kim et al in view of U.S. Patent Application No. 2002/0080792 to Beshai.

As stated above, the office action rejects the claims relying in part on a reference to Kim. However, the patent number provided for this reference is in error. U.S. Patent No. 7,263,100 is actually a patent to Hauser et al., having nothing to do with the current subject matter. This is a new reference cited in this office action for the first time. The Applicant was unable to make out the basis of the rejection because in addition to citing the improper patent number in the body of the rejection, the office action failed to include a Notice of References Cited document at the conclusion of the office action.

The Applicant is entitled to have a proper rejection provided to him so that the prosecution history of this application in unambiguous and clearly reflects the art that the PTO is citing against his invention. The instant office action fails to provide this to the applicant. Moreover, the Applicant is entitled to the full response period to consider the office action and the art cited and formulate a response. The failings of the instant office action, even accepting that the Examiner has recently orally provided the proper reference number, do not give the Applicant sufficient time and opportunity to respond to the rejections.

In view of the foregoing, the Examiner is requested to withdraw the office action and issue a proper office action, citing the correct reference and reference number and including a

Notice of References Cited.

This response is presented in good faith to respond to the office action and is only necessitated by the Examiner's unwillingness to withdraw the action when requested to do so by the undersigned attorney.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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Docket No.: 100794-00456 (FUJY 20.508)

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